

162

REGULAR WEEKLY SESSION---ROANOKE CITY COUNCIL

February 22, 2005

2:00 p.m.

The Council of the City of Roanoke met in regular session on Tuesday, February 22, 2005, at 2:00 p.m., the regular meeting hour, in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor C. Nelson Harris presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 36762-070604 adopted by the Council on Tuesday, July 6, 2004.

PRESENT: Council Members M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., Sherman P. Lea, Brenda L. McDaniel, Brian J. Wishneff and Mayor C. Nelson Harris-----7.

ABSENT: None-----0.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Vice-Mayor Beverly T. Fitzpatrick, Jr.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

PRESENTATIONS AND ACKNOWLEDGEMENTS:

ACTS OF ACKNOWLEDGEMENT-DECEASED PERSONS: Mr. Fitzpatrick offered the following resolution memorializing the late Irvin (Earl) Cannaday, Jr.:

(#36964-022205) A RESOLUTION memorializing the late Irvin (Earl) Cannaday, Jr., a Roanoke native and former Assistant Principal at Woodrow Wilson Middle School.

(For full text of resolution, see Resolution Book No. 69, Page 272.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36964-022205. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

The Mayor called for a moment of silence in memory of Mr. Cannaday.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately. He called specific attention to two requests for Closed Session.

MINUTES: Minutes of the regular meeting of Council held on Monday, January 3, 2005, and recessed until January 13, 2005, were before the body.

Council Member Dowe moved that the reading of the minutes be dispensed with and that the minutes be approved as recorded. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

BUSES-AUDIT COMMITTEE: Minutes of meetings of the Audit Committee which were held on Thursday, October 7, 2004, and Monday, December 20, 2004; and the Greater Roanoke Transit Company Audit Committee on Monday, December 20, 2004, were before the body.

Council Member Dowe moved that the minutes be received and filed. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

COMMITTEES-CITY COUNCIL: A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Council Member Dowe moved that Council concur in the request of the Mayor to convene in a Closed Meeting as above described. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

ACTS OF ACKNOWLEDGEMENT-CITY COUNCIL: A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss a special award, being the Shining Star Award, pursuant to Section 2.2-3711 (A)(10), Code of Virginia (1950), as amended, was before the body.

Council Member Dowe moved that Council concur in the request of the Mayor to convene in a Closed Meeting as above described. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

ELECTIONS: A communication from the General Registrar advising that in order to better comply with changes implemented by HAVA and ADA requirements, the Electoral Board requests a change in the type of voting equipment used for In-Person Voting in the Absentee Precinct to DRE (Direct Recording Electronic) device, effective with the Primary Election to be held in June 2005; currently paper ballots are used for both In-Person and Mail Absentee voting; on Election Day, ballots are fed into a reader that records the votes by mark sense; and currently ES&S (Election Systems & Software) and DRE devices are used in regular precincts on Election Day, was before Council.

It was further advised that the change would allow all In-Person Absentee votes to be cast on the same equipment and allow individuals with disabilities to vote in private with ADA units, if desired; and the requested change complies with Section 24.2-626 of the Virginia Election Laws and has been forwarded to the City Attorney for submission to the Department of Justice.

Council Member Dowe moved that Council concur in the request and receive and file the communication. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

OATHS OF OFFICE-ROANOKE NEIGHBORHOOD PARTNERSHIP: A communication from Althea L. Pilkington tendering her resignation as a member of the Roanoke Neighborhood Advocates, was before Council.

Council Member Dowe moved that the resignation be accepted and that the communication be received and filed. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

OATHS OF OFFICE-ARCHITECTURAL REVIEW BOARD: A communication from Robert B. Manetta tendering his resignation as a member of the Architectural Review Board, was before Council.

Council Member Dowe moved that the resignation be accepted and that the communication be received and filed. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

OATHS OF OFFICE-COMMITTEES-HOUSING/AUTHORITY-COMMUNITY PLANNING-NEIGHBORHOOD PARTNERSHIP-VIRGINIA'S FIRST REGIONAL INDUSTRIAL FACILITY AUTHORITY: The following reports of qualification were before Council.

Maureen P. Castern as a member of the Roanoke Neighborhood Advocates to fill the unexpired term of Richard Nichols, resigned, ending June 30, 2007;

Bryan Grimes Creasy as a member of the Fair Housing Board, for a term ending March 31, 2007;

Fredrick M. Williams as a member of the City Planning Commission, for a term ending December 31, 2008; and

Brian J. Wishneff as a City representative to Virginia's First Regional Industrial Facility Authority, and as a member of the New River Valley Commerce Park Participation Committee.

Council Member Dowe moved that the reports of qualification be received and filed. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff
and Mayor Harris-----7.

NAYS: None-----0.

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS: NONE.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

BUDGET-FIRE DEPARTMENT: The City Manager submitted a communication advising that Roanoke Fire-EMS was interviewed in January 2005 by representatives of the Virginia Department of Fire Programs for consideration in becoming the Division VI State Heavy and Tactical Rescue Team; partnering with Roanoke County Fire and Rescue to form a regional team, Roanoke Fire-EMS was selected; seven teams in Virginia will play a vital role in statewide response to technical rescue incidents; and in an effort to further enhance each selected team's capability, a one time grant in the amount of \$42,857.00 will be awarded to purchase specific equipment, with no local match funds required.

The City Manager recommended that Council appropriate State grant funds, in the amount of \$42,857.00, with corresponding revenue estimates in accounts to be established by the Director of Finance in the Grant Fund; and that the City Manager be authorized to execute the required grant agreements, to be approved as to form by the City Attorney.

Vice-Mayor Fitzpatrick offered the following budget ordinance:

(#36965-022205) AN ORDINANCE to appropriate funding for the Fire Programs Heavy and Tactical Rescue Team Grant, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 274.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 36965-022205. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

Vice-Mayor Fitzpatrick offered the following resolution:

(#36966-022205) A RESOLUTION authorizing the acceptance of the Heavy and Tactical Rescue Team Grant made to the City of Roanoke by the Virginia Department of Fire Programs and authorizing the execution and filing by the City Manager of the conditions of the grant.

(For full text of resolution, see Resolution Book No. 69, Page 275.)

Vice-Mayor Fitzpatrick moved the adoption of Resolution No. 36966-022205. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

MINORITY/WOMEN OWNED BUSINESSES: The City Manager submitted a communication advising that solicitation and award of City contracts must comply with the City Charter and the City's Procurement Policy, as well as the Virginia Public Procurement Act; in general, public procurement requires the City to obtain bids and award contracts on City projects to the "lowest responsive and responsible bidder"; and determination of whether the bidder is "responsible" must be made upon considerations solely related to job performance.

It was further advised that a proposed plan provides that when bids or proposals are solicited directly from potential contractors, solicitations include, whenever possible, appropriate businesses from lists maintained and/or available in the Purchasing Division, including but not limited to a list from the Virginia Department of Minority Business Enterprise; the City of Roanoke currently maintains a separate database of small, minority and women-owned businesses, from which all City departments are encouraged to solicit a MBE/WBE/SB vendor in all procurement transactions; meet and greet events are held for large construction projects to provide small business contractors with an opportunity to meet large business owners in an effort to become subcontractors on City projects; the City continues to reduce the scope of projects, if possible, to reduce the need for bonding and large insurance requirements; and the annual Regional Building New Partnership Conference which is hosted by the City is intended to educate MBE/WBE/SB vendors to improve bidding and responsiveness to request for proposals and invitations to bid.

It was stated that Council and the City Administration recognize the need for improving opportunities for small, minority and women-owned business enterprises to participate in City contracts; and with adoption of the plan, improved business opportunities should result as the City makes clear to the community its policy to encourage opportunities for small, minority and women-owned business enterprises to participate in City contracts.

The City Manager recommended that Council repeal Resolution No. 31012-051892, Minority and Women-Owned Business Enterprise Plan, and adopt a Plan for Participation in Procurement Transactions of Small Businesses and Businesses Owned by Women and Minorities; and that the City Manager be authorized to take appropriate measures to implement the above referenced Plan, effective immediately.

Council Member Dowe offered the following resolution:

(#36967-022205) A RESOLUTION repealing Resolution No. 31012-051892, which adopted a Minority and Women-Owned Business Enterprise Plan; and adopting and endorsing a Plan for Participation in Procurement Transactions of Small Businesses and Businesses Owned by Women and Minorities.

(For full text of resolution, see Resolution Book No. 69, Page 275.)

Council Member Dowe moved the adoption of Resolution No. 36967-022205. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

STATE HIGHWAYS-BRIDGES: The City Manager submitted a communication advising that the Virginia Department of Transportation (VDOT) requires resolutions adopted by Council documenting the City's support of a project before funding can be made available; therefore, Council must adopt a resolution for the recent Federal award of \$497,050.00 (VDOT UPC #72794) to be made available for improvement of the Dr. Martin Luther King, Jr. Memorial Bridge (formerly First Street Bridge); approval of the resolution must include the City's agreement to pay a 20 per cent match (\$124,262.00) to Federal funds and to reimburse VDOT for the total amount of costs expended by VDOT, if the City subsequently elects to cancel the project; and local match funding is available in Account No. 008-052-9754-9003 from funds previously appropriated to the project.

The City Manager recommended that Council adopt a resolution endorsing improvement of the Martin Luther King Jr. Memorial Bridge (formerly First Street Bridge), agreeing to pay the 20 per cent match (\$124,262.00) to Federal funds, and agreeing to reimburse VDOT for the total amount of costs expended by VDOT

if the City subsequently elects to cancel the project; and that the City Manager be authorized to enter into any and all necessary agreements with applicable Federal and State agencies or other affected parties to complete the project, such agreements to be approved as to form by the City Attorney.

Council Member Cutler offered the following resolution:

(#36968-022205) A RESOLUTION expressing the support of the Council of the City of Roanoke to the Virginia Department of Transportation for the improvement of the First Street Bridge.

(For full text of resolution, see Resolution Book 69, Page 276.)

Council Member Cutler moved the adoption of Resolution No. 36968-022205. The motion was seconded by Vice-Mayor Fitzpatrick and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

COMMITTEES-TRAFFIC: The City Manager submitted a communication advising that the Commonwealth of Virginia once required local jurisdictions to appoint an active Transportation Safety Commission in order to be eligible for certain Federal highway safety funds; the requirement was eliminated many years ago and most localities abolished their local Commissions; in the summer of 2004, while reviewing issues with regard to the City's boards and commissions, Council indicated that the current Transportation Safety Commission could be abolished and the functions could be appropriately managed by City staff; and City staff could utilize a less formal working committee when needed to ensure thorough consideration and evaluation of transportation safety issues which would be similar to the current process used to manage transportation planning activities, such as development of the City's Long Range Transportation Improvement Plan.

It was further advised that the Transportation Safety Commission has not been active since Council provided the above referenced direction, although official action to abolish the Commission has not been taken and the members of the Commission have not been notified that their services are no longer necessary.

The City Manager recommended that Council adopt a resolution abolishing the City of Roanoke Transportation Safety Commission and expressing appreciation to members of the Commission for their service.

Vice-Mayor Fitzpatrick offered the following resolution:

(#36969-022205) A RESOLUTION abolishing the City of Roanoke Transportation Safety Commission.

(For full text of resolution, see Resolution Book 69, Page 277.)

Vice-Mayor Fitzpatrick moved the adoption of Resolution No. 36969-022205. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

ROANOKE VISION, COMPREHENSIVE DEVELOPMENT PLAN-COMMUNITY PLANNING: The City Manager submitted a communication advising that in order to receive Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME) and Emergency Shelter Grant (ESC) funding, the City of Roanoke must submit a five-year Consolidated Plan and Annual Updates to the U. S. Department of Housing and Urban Development (HUD); and substantial amendments to the Plan must undergo a 30-day public review and comment period, followed by approval of Council.

It was further advised that the City has unexpended funds in several previously planned activities; several activities of importance to the community have been identified for use of the funds, which are summarized in an attachment to the communication; in order to implement proposed uses, each activity and associated funding must be added to the current plan; and individually and collectively, the activities constitute a substantial amendment to the Plan that must be approved by Council prior to implementation.

It was noted that the 30-day public review and comment period was conducted from January 21 to February 21, 2005; no comments objecting to the intended amendments were received; implementing use of the funds during the current year will have the added benefit of assisting the City to maintain compliance with HUD's requirements concerning timely expenditures; and several fund transfers will be needed and can be accomplished administratively through City Manager budget transfers.

The City Manager recommended that Council approve amendments to the 2004/2005 and 2002/2003 Annual Updates to the Consolidated Plan; and authorize the City Manager to execute documents required by HUD to accept funds, subject to approval as to form by the City Attorney.

Vice-Mayor Fitzpatrick offered the following resolution:

(#36970-022205) A RESOLUTION approving certain amendments to the 2004/2005 and 2002/2003 Annual Updates to the City of Roanoke Five-Year Consolidated Plan.

(For full text of resolution, see Resolution Book No. 69, Page 278.)

Vice-Mayor Fitzpatrick moved the adoption of Resolution No. 36970-022205. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

BUDGET-STATE HIGHWAYS-TRANSPORTATION FUND: The City Manager submitted a communication advising that the Virginia Department of Transportation's (VDOT) Six-Year Improvement Program (SYIP) includes funding for the following projects that are to be locally administered:

- Riverland Road, Bennington Street, & Mt. Pleasant Boulevard Intersection Improvement (UPC No. 71740) - Total project funding of \$1,080,000.00 which includes a FY05 allocation of \$220,000.00;
- 10th Street Pedestrian & Bicycle Crossing Improvements (UPC No. 71725) - Total project funding of \$75,000.00, all of which is allocated in FY05; and
- City-wide Signal & ITS Improvements (UPC No. 71741) - Total project funding of \$1,100,000.00 which includes a FY05 allocation of \$543,000.00.

It was further advised that because the projects are to be locally administered, Council is requested to appropriate funds to project accounts for disbursement against project development and implementation expenses; VDOT projects require a local match of two per cent and funding for the local match is available in VDOT Highway projects, Account No. 008-530-9803.

The City Manager recommended that Council take the following actions:

Appropriate \$220,000.00 of VDOT project funding to an existing project Account No. 008-530-9512 entitled, "Riverland Road/Mt. Pleasant/Bennington Street", and establish a revenue estimate of the same for State reimbursement through VDOT's Six-Year Improvement Program;

Appropriate \$75,000.00 of VDOT project funding to a new project account to be entitled, "10th Street Crossing Improvements", and establish a revenue estimate of the same for State reimbursement through VDOT's Six-Year Improvement Program;

Appropriate \$543,000.00 of VDOT project funding to a new project account to be entitled, "Signal & ITS Improvements", and establish a revenue estimate of the same for State reimbursement through VDOT's Six-Year Improvement Program; and

Authorize the City Manager to enter into any and all necessary agreements with applicable Federal and State agencies or other affected parties to complete the projects.

Vice-Mayor Fitzpatrick offered the following budget ordinance:

(#36971-022205) AN ORDINANCE to appropriate funding to be provided by the VDOT Six-Year Improvement Program for the Riverland Road, Mt. Pleasant Boulevard Intersection, Bennington Street, 10th Street Crossing Improvements and Signal & ITS Improvements Projects, amending and reordaining certain sections of the 2004-2005 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 279.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 36971-022205. The motion was seconded by Council Member Dowe.

Mr. Chris Craft, 1501 East Gate Avenue, N. E., inquired if funds were being appropriated for a new bridge over the Hollins Road Railroad track and the timeframe for completion of the project; whereupon, the City Manager advised that she was not aware of any funds being appropriated for a bridge in the Hollins Road area, however, she would ask staff to investigate the inquiry and communicate their findings to Mr. Craft.

Mr. Craft also inquired if the Virginia Department of Transportation Six-Year Improvement Program included project funds for the Hollins Road bridge; whereupon, the City Manager advised that none of the appropriated funds listed in the Program would be used to construct a bridge in the Hollins Road area.

Ordinance No. 36971-022205 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

Vice-Mayor Fitzpatrick offered the following resolution:

(#36972-022205) A RESOLUTION authorizing the City Manager to enter into any and all necessary and appropriate agreements to complete certain projects in the City of Roanoke which are in the Virginia Department of Transportation's Six-Year Improvement Projects.

(For full text of resolution, see Resolution Book No. 69, Page 280.)

Vice-Mayor Fitzpatrick moved the adoption of Resolution No. 36972-022205. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

HOUSING/AUTHORITY: The City Manager submitted a communication advising that World Changers, a volunteer ministry of the North American Mission Board, Southern Baptist Convention (World Changers), brings together youth and adults from across the nation to participate in housing and related community service projects; last year, under a subgrant agreement with Blue Ridge Housing Development Corporation, Inc. (BRHDC), which provided Community Development Block Grant (CDBG) funding for materials and other support, approximately 400 World Changers volunteers assisted in repairing approximately 40 homes in the City; and during the project, housing for workers was provided by the Roanoke City School Board.

It was further advised that given the success of the project in 2004 and in the prior year and the productive working relationships that have been established, the City, BRHDC and World Changers are looking to conduct another project during the summer of 2005; a total of \$80,000.00 in CDBG funds is to be committed to the 2005 project, as set forth in a subgrant agreement attached to the communication; use of funds is requested for authorization by Council through a separate report, which amends the City's Consolidated Plan to add the 2005 World Changers and other projects; and the appropriate City Manager budget transfers may be made administratively following approval to include funds in designated accounts.

It was pointed out that a proposed subgrant agreement will outline activities to be undertaken by BRHDC and World Changers; housing for World Changers volunteers will again be provided by the Roanoke City School Board, and arrangements will be finalized by BRHDC and City staff directly with school officials.

The City Manager recommended that she be authorized to execute a CDBG Subgrant Agreement with Blue Ridge Housing Development Corporation, Inc., subject to approval as to form by the City Attorney.

Council Member Cutler offered the following resolution:

(#36973-022205) A RESOLUTION authorizing the City Manager to enter into a 2005 Community Development Block Grant (CDBG) Subgrant Agreement with the Blue Ridge Housing Development Corporation, Inc., regarding the World Changers project, upon certain terms and conditions.

(For full text of resolution, see Resolution Book No. 69, Page 281.)

Council Member Cutler moved the adoption of Resolution No. 36973-022205. The motion was seconded by Vice-Mayor Fitzpatrick and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

BUDGET-SNOW REMOVAL: The City Manager submitted a communication advising that due to limited resources within the City's snow removal operating budget, the three storms experienced earlier in the winter depleted the City's stockpile of salt for snow removal operations; in an effort to remain adequately stocked and prepared for winter weather, additional salt was obtained; a budget transfer of \$130,000.00 is needed to cover the additional expense; and because the transfer is more than \$75,000.00, action by Council is required.

The City Manager recommended that Council authorize transfer of funds, in the amount of \$130,000.00 from City Manager Contingency, Account No. 001-300-9410-2199, to Snow Removal Chemicals, Account No. 001-530-4140-2045.

Vice-Mayor Fitzpatrick offered the following budget ordinance:

(#36974-022205) AN ORDINANCE to transfer funds for snow removal, amending and reordaining certain sections of the 2004-2005 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 281.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 36974-022205. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

CITY ATTORNEY: NONE.

DIRECTOR OF FINANCE: NONE.

REPORTS OF COMMITTEES:

BUDGET-SCHOOLS: A communication from the Roanoke City School Board requesting that Council approve the following appropriations, was before the body.

- \$15,000.00 for the GED Testing Fast Track program to provide advertising and instructors to increase participation in the GED examination, said program to be 100 per cent reimbursed by State funds; and
- \$8,000.00 for the GED Expanded Testing program to provide additional instructors and supplies for GED preparation classes and for administration of the GED examinations, said program to be 100 per cent reimbursed by State funds.

A report of the Director of Finance recommending that Council concur in the request of the School Board, was also before the body.

Council Member Dowe offered the following budget ordinance:

(#36975-022205) AN ORDINANCE to appropriate funding for the GED Fast Track Program and GED Preparation Classes, amending and reordaining certain sections of the 2004-2005 School Funds Appropriations and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 282.)

Council Member Dowe moved the adoption of Ordinance No. 36975-022205. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

ACTS OF ACKNOWLEDGEMENT-CITY COUNCIL: Council Member Wishneff commended Council Member Lea, who represented the City of Roanoke on Monday, February 21, 2005, by hosting members of the Tuskegee Airmen, an all-black aviation unit whose pilots never lost a bomber to enemy fire in more than 1,500 missions during World War II.

ACTS OF ACKNOWLEDGEMENT-CITY EMPLOYEES: Council Member Lea commended the City Manager and City employees in connection with the City's first talent show which was held on Friday, February 18, 2005, at the Roanoke Civic Center.

POLICE DEPARTMENT: Vice-Mayor Fitzpatrick expressed appreciation to the City Manager for completion of the installation of lighting around the memorial to Roanoke's fallen police officers on Campbell Avenue, S. W.

FIRE DEPARTMENT-REGIONAL COOPERATION: Council Member Cutler called attention to a press conference which was held earlier in the day announcing that the Roanoke County Fire and Rescue Department and the City of Roanoke Fire/EMS Department will expand regional cooperation to include the Mount Pleasant and north Williamson Road areas. He stated that this represents another example of cooperation by Roanoke City and Roanoke County.

HOUSING/AUTHORITY-ECONOMIC DEVELOPMENT: Council Member Cutler called attention to continuing progress on the Colonial Green development, and expressed appreciation to the developer for working with residents of the area to protect and increase the width of the buffer between existing housing and the new development, while retaining the mixed use character of the project.

CITY SHERIFF: The Honorable George M. McMillan, Sheriff, presented a communication advising of two new programs that have been implemented in the Roanoke City Jail to enhance and improve the community; i.e.: the Offender Reentry Program, which is a cooperative effort between the Roanoke Sheriff's Office and the Virginia Department of Corrections, to provide life skills training to soon-to-be released prison inmates from the Roanoke Valley; instead of being traditionally released from prison to the local streets, inmates will be placed in the program while they are still incarcerated in the Roanoke City Jail for approximately 45 to 90 days prior to release, and each inmate will be trained in cognitive thinking, employability skills, substance abuse resistance, anger management, money management, domestic violence avoidance, and other general life skills; the cooperative effort would provide offenders with the opportunity to reintegrate into the community with a foundation upon which to build productive lives; and the program will provide another measure of income to the Sheriff's Office, which is estimated to generate approximately \$154,000.00 during fiscal year 2006.

He further advised that a contract was executed with the Virginia Department of Corrections to house up to 25 inmates as part of the Jail Contract Bed Program, which would also generate approximately \$204,000.00 of additional revenue in fiscal year 2006; the Department of Finance and the Sheriff's Office project that the Offender Reentry and Jail Contract Bed Programs and other

programs in operation at the Roanoke City Jail would generate approximately \$4 million in revenue to offset the Sheriff's Office budget request for fiscal year 2006; and with an increase in State funds and revenues generated by the Sheriff's Office, the City's cost will be reduced to approximately \$3 million for fiscal year 2006.

Without objection by the Council, the Mayor advised that the communication would be received and filed.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

REFUSE COLLECTION: Ms. Rhonda Conner, 1509 Patterson Avenue, S. W., advised that real estate taxes on several of her rental properties have increased annually. She stated that bulk trash collection is provided at all of her properties, with the exception of her largest investment property; therefore, she questioned why she is not afforded the same bulk trash collection at all of her properties. She advised that real estate investors and property owners pay more in real estate taxes per year to the City than single-family homeowners, yet they do not receive the same City services; and if she must pay additional taxes each year, the City of Roanoke should provide solid waste collection at all her properties.

In order to respond to her concerns, Mayor Harris requested that Ms. Conner provide specific information to the City Manager.

REFUSE COLLECTION: Mr. Chris Craft, 1501 East Gate Avenue, N. E., extended an invitation to the Members of Council to attend the annual Easter Egg Hunt sponsored by First Baptist Church on March 26, 2005, at Victory Stadium.

He called attention to the need to remove debris from an area along Tinker Creek and 13th Street, N. E.

CITY MANAGER COMMENTS:

FIRE DEPARTMENT- CITY MANAGER-CITY EMPLOYEES-MINORITY/WOMEN OWNED BUSINESSES-REGIONAL COOPERATION-PROCUREMENT CODE: The City Manager commended City employees who participated in the City's first annual talent show on Friday, February 18, 2005, which provided an opportunity to showcase the many talents of Roanoke's employees. She advised that it is anticipated that a second talent show will be held in 2006.

The City Manager advised that the City of Roanoke has been invited to make a presentation at the next meeting of the Minority Supplier Development Council in March 2005 in recognition of Roanoke's efforts to promote small business application of the procurement policy.

The City Manager pointed out that expansion of Fire/EMS services to the Mount Pleasant and north Williamson Road areas is another example of regional cooperation by the City of Roanoke and Roanoke County that will improve the level of service for both City and County residents. She commended the Chiefs of Fire/EMS in Roanoke City and Roanoke County for their efforts to promote further regional cooperation.

At 2:50 p.m., the Mayor declared the Council meeting in recess for two Closed Sessions in the Council's Conference Room.

At 4:10 p.m., the Council meeting reconvened in the City Council Chamber, with all Members of the Council in attendance, Mayor Harris presiding.

COUNCIL: With respect to the Closed Meeting just concluded, Council Member McDaniel moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

OATHS OF OFFICE-COMMITTEES-ROANOKE ARTS COMMISSION: The Mayor advised that there is a vacancy on the Roanoke Arts Commission created by the resignation of Courtney A. Penn; whereupon, he opened the floor for nominations to fill the vacancy.

Council Member Wishneff placed in nomination the name of Cathy C. Greenberg.

There being no further nominations, Ms. Greenberg was appointed as a member of the Roanoke Arts Commission, to fill the unexpired term of Courtney A. Penn, resigned, ending June 30, 2007, by the following vote:

FOR MS. GREENBERG: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, and Mayor Harris-----7.

OATHS OF OFFICE-COMMITTEES-INDUSTRIES: The Mayor advised that there is a vacancy on the Industrial Development Authority created by the resignation of William L. Bova; whereupon, he opened the floor for nominations to fill the vacancy.

Council Member Wishneff placed in nomination the name of Stuart H. Revercomb.

There being no further nominations, Mr. Revercomb was appointed as a member of the Industrial Development Authority, to fill the unexpired term of William L. Bova, resigned, ending October 20, 2005, by the following vote:

FOR MR. REVERCOMB: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

OATHS OF OFFICE-COMMITTEES-PERSONNEL DEPARTMENT: The Mayor advised that there is a vacancy on the Personnel and Employment Practices Commission created by expiration of the term of office of Stephen L. Jamison on June 30, 2004; whereupon, he opened the floor for nominations to fill the vacancy.

Council Member Wishneff placed in nomination the name of Stephen S. Willis.

There being no further nominations, Mr. Willis was appointed as a member of the Personnel and Employment Practices Commission, for a term ending June 30, 2007, by the following vote:

FOR MR. WILLIS: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

OATHS OF OFFICE-COMMITTEES-LEAGUE OF OLDER AMERICANS: The Mayor advised that the one year term of office of Vickie F. Briggs as the City's representative to the League of Older Americans Advisory Committee will expire on February 28, 2005; whereupon, he opened the floor for nominations to fill the vacancy.

Council Member Wishneff placed in nomination the name of Vickie F. Briggs.

There being no further nominations, Ms. Briggs was reappointed as the City's representative to the League of Older Americans Advisory Committee, for a term ending February 28, 2006, by the following vote:

FOR MS. BRIGGS: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

OATHS OF OFFICE-PARKS AND RECREATION-COMMITTEES: The Mayor advised that the three year terms of office of Robert C. Jones, Thomas Pettigrew, Christene A. Montgomery, Sharon L. Stinnette, and Sherley E. Stuart as members of the Parks and Recreation Advisory Board will expire on March 31, 2005; whereupon, he opened the floor for nominations to fill the vacancies.

Council Member Wishneff placed the following names in nomination: Robert C. Jones, Thomas Pettigrew, Christene A. Montgomery, Sharon L. Stinnette, and Sherley E. Stuart.

There being no further nominations, Mr. Jones, Mr. Pettigrew, Ms. Montgomery, Ms. Stinnette, and Mr. Stuart were reappointed as members of the Parks and Recreation Advisory Board, for a terms ending March 31, 2008, by the following vote:

FOR MR. JONES, MR. PETTIGREW, MS. MONTGOMERY, MS. STINETTE AND MR. STUART: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

OATHS OF OFFICE-COMMITTEES-ARCHITECTURAL REVIEW BOARD: The Mayor advised that there is a vacancy on the Architectural Review Board created by the resignation of Robert B. Manetta; whereupon, he opened the floor for nominations to fill the vacancy.

Council Member Wishneff placed in nomination the name of Lora Katz.

There being no further nominations, Ms. Katz was appointed as a member of the Architectural Review Board, to fill the unexpired term of Robert B. Manetta, resigned, ending October 1, 2006, by the following vote:

FOR MS. KATZ: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

At 4:15 p.m., the Mayor declared the Council meeting in recess until 7:00 p.m., in the City Council Chamber.

At 7:00 p.m., on Tuesday, February 22, 2005, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor C. Nelson Harris presiding.

PRESENT: Council Members M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., Sherman P. Lea, Brenda L. McDaniel, Brian J. Wishneff and Mayor C. Nelson Harris-----7.

ABSENT: None-----0.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney, Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Vice-Mayor Beverly T. Fitzpatrick, Jr.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

PRESENTATIONS AND ACKNOWLEDGEMENTS:

PROCLAMATIONS: The Mayor presented a proclamation to Seth Sprinkle, Senior Counselor, Roanoke Valley DeMolay Chapter, declaring the month of March 2005 as DeMolay Month.

PARKS AND RECREATION-BLUE RIDGE PARKWAY: The City Manager submitted a communication advising that over the past year, the Blue Ridge Parkway has been working in concert with the Virginia Department of Transportation (VDOT), the Department of Conservation and Recreation, Scenic Virginia, three other National Park Service sites in Virginia (George Washington Memorial Parkway, Colonial National Historic Park, and Shenandoah National Park), and other related organizations to prepare four nominations for the National Scenic Byway/All-American Road Program; and currently, Virginia has no National Scenic Byways featured on certain maps and websites used by potential tourists from all over the world.

It was further advised that the Blue Ridge Parkway would be one of the four byways nominated; the National Park Service is seeking support for the nomination from localities through which the Parkway is located; while the designation is one of recognition only, it is sought in order to raise awareness of the significance of the Parkway and to potentially leverage other resources to aid in the protection of the Parkway as a scenic, cultural, and historic resource; and the designation could aid in obtaining National Park Service funding for continued regional planning efforts and could also leverage various grant applications made by local public and private stakeholder groups.

The City Manager recommended that Council adopt a resolution expressing the City of Roanoke's support for the nomination of the Blue Ridge Parkway for the National Scenic Byway/All American Road program.

Council Member Cutler offered the following resolution:

(#36976-022205) A RESOLUTION supporting the designation of the Blue Ridge Parkway for the Scenic Byway/All American Road Program.

(For full text of resolution, see Resolution Book No. 69, Page 283.)

Council Member Cutler moved the adoption of Resolution No. 36976-022205. The motion was seconded by Vice-Mayor Fitzpatrick.

Gary Johnson, Superintendent, Blue Ridge Parkway, expressed appreciation to Council, the City Manager and the Director of Planning, Building and Development for the City's support of the nomination of the Blue Ridge Parkway for the National Scenic Byway All American Road Program.

There being no questions or comments by Council Members, Resolution No. 36976-022205 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

PUBLIC HEARINGS:

STREETS AND ALLEYS: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Tuesday, February 22, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of The Scott Robertson Memorial Fund that the easternmost 250 feet of Densmore Road, N. W., be closed and discontinued by barricade, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday February 4, 2005 and Friday, February 11, 2005.

The City Planning Commission submitted a written report advising that the portion of Densmore Road in question is adjoined by parcels zoned Residential Single - family, High Density District; the grounds of the Roanoke County Club surround the subject portion of right-of-way along the parcel owned by the Scott Robertson Memorial Fund; and Westside Elementary School for the Performing and Visual Arts is located to the west.

It was further advised that the petitioner proposes to install a locked gate over the right-of-way and provide access to the Roanoke Country Club, the City, and all utility providers, as necessary since the subject portion of right-of-way does not serve any other property owner; the location of the barricade will be approximately at the westernmost boundary of Official Tax No. 2670906; and the petitioner advises that the gate will allow security of the site and prevent the right-of-way from being used by motorists late at night.

The City Planning Commission recommended that Council deny the request to close the subject portion of Densmore Road, N. W. It was noted that the Planning Commission was of the opinion that the applicant had other options for addressing security of the site that should be pursued, including fencing of the site parallel to the existing right-of-way or by seeking vacation of the portion of the right-of-way in its entirety.

Vice-Mayor Fitzpatrick offered the following ordinance:

(#36977-022205) AN ORDINANCE authorizing the alteration and closing by barricade of certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 284.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 36977-022205. The motion was seconded by Council Member McDaniel.

Richard B. Burrow, Volunteer Spokesperson, representing the petitioner, appeared before Council in support of the request.

The Mayor inquired if there were persons present who would like to be heard in connection with the public hearing; whereupon, the following persons addressed the Council.

Jennifer Blackwood, Executive Director, advised that First Tee of Roanoke Valley is one of seven chapters in the Commonwealth of Virginia, and one of 200 nationally that utilizes golf to teach life skills, character education, etc. She further advised that approximately two years ago, The Scott Robertson Memorial Fund, which is the parent organization that is creating the First Tee Chapter in Roanoke, purchased land on Densmore Road and spent approximately \$500,000.00 to convert an abandoned house and three acres of land into a golf learning academy consisting of a large teaching putting green, a driving range using a restricted flight ball, and a short game area with sand hazards and tees; and the program is available to children who would not otherwise have access to golf.

Ms. Blackwood stated that the First Tee Program recently conducted a nation wide study of parents, teachers and children using a life skills curriculum and over 76% of parents surveyed reported an increase in their child's confidence level, grades in school, social ability and display of respect as a result of participation in the program.

With regard to the request for the barricade closure, Mr. Burrow advised that The Scott Robertson Fund has spent a considerable amount of money on landscaping, installation of special turf and the driving area; and because of concerns regarding vandalism at the dead-end of Densmore Road, the Foundation would prefer to control access to the property for security purposes.

Council Member McDaniel inquired about the City's position concerning the barricade closure; whereupon, R. Brian Townsend, Director of Planning, Building and Development advised that Planning staff recommended approval of the request to close a portion of Densmore Road, by barricade, with the petitioner to be responsible for erecting a gate with a lock system that would allow access to the right-of-way by Roanoke Country Club, the City of Roanoke, or any party representing or acting on behalf of the City of Roanoke, and all public utility companies; however, the City Planning Commission disagreed with Planning staff and the petitioner in terms of how to address the situation. Mr. Townsend explained that the Planning Commission believed the better alternative was either to vacate the right-of-way by street closure process, which would remove the City's rights to the public right-of-way, or request First Tee to fence the perimeter of its

property as opposed to barricading the right-of-way; and the Planning Commission's rationale for not recommending approval of the application was due to the fact that there were two other viable options that would accommodate the needs of First Tee.

Council Member McDaniel asked if the right-of-way could be permanently vacated and closed; whereupon, Mr. Townsend stated that since First Tee is not the owner of the entire property on either side of the right-of-way, it would involve coordination of the closure with other adjoining properties.

Council Member McDaniel inquired about the liability issue of barricading the right-of-way; whereupon, the City Attorney expressed concern with regard to the erection of the barricade across the public right-of-way and the assurance of public safety access to the area.

The City Manager commended the Board of Directors and Tom Robertson for constructing the facility in the City of Roanoke. She called attention to the significant contribution that the program will offer to underserved young people in the Roanoke area.

There being no further speakers, the Mayor declared the public hearing closed.

There being no further discussion by Council, Ordinance No. 36977-022205 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

STREETS AND ALLEYS-WATER/RESOURCES: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Tuesday, February 22, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the Western Virginia Water Authority that portions of Bennington Street, Brownlee Avenue, Kindred Street, and Underhill Avenue, S. E., and associated alleys south of the Roanoke Regional Wastewater Treatment Plant be permanently vacated, discontinued and closed, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday February 4, 2005, and Friday, February 11, 2005.

The City Planning Commission submitted a written report advising that the petitioner requests vacation of portions of Bennington Street, Brownlee Avenue, Kindred Street, and Underhill Avenue, S. E., and associated alleys to allow for expansion of the Roanoke Regional Wastewater Treatment Plant (RRWTP); and the City of Roanoke and the Western Virginia Water Authority own the adjoining parcels of land.

The City Planning Commission recommended that Council approve the request to vacate, discontinue and close the subject portions of streets and alleys, subject to certain conditions.

Council Member Cutler offered the following ordinance:

(#36978-022205) AN ORDINANCE permanently vacating, discontinuing and closing certain public rights-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 285.)

Council Member Cutler moved the adoption of Ordinance No. 36978-022205. The motion was seconded by Council Member McDaniel.

Michael T. McEvoy, Executive Director, Western Virginia Water Authority, appeared before Council in support of the request.

The Mayor inquired if there were persons present who would like to be heard in connection with the public hearing. There being none, he declared the public hearing closed.

There being no discussion or comments by Council Members, Ordinance No. 36978-022205 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

NEIGHBORHOOD ORGANIZATIONS-ZONING-STREETS AND ALLEYS: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk advertised public hearings for Tuesday, February 22, 2005, at 7:00 p.m., or as soon thereafter as the matters may be heard, in the City Council Chamber, on the following:

- Request of Rockydale Quarries Corporation that the Southern Hills Neighborhood Plan, a component of Vision 2001 - 2020, the City's Comprehensive Plan, be amended to accommodate a recent boundary line adjustment and other changes in the text of the Plan.
- Request of Rockydale Quarries Corporation that properties located on Franklin Road, Old Rocky Mount Road, Welcome Valley Road and Van Winkle Road, S. W., bearing Official Tax Nos. 5380106, 5380107, 5380108, 5380123, and 5380110, zoned C-1, Office District; Official Tax No. 5380125, zoned RS-1, Residential Single Family District; Official Tax Nos. 5390110, 5390117, 5390109,

5390108, 5390106, and 5390105, zoned RS-3, Residential Single Family District, be rezoned to HM, Heavy Manufacturing District; and Official Tax Nos. 4530202, 4530203, and 4530205, zoned HM, Heavy Manufacturing District, be rezoned to RA, Residential Agricultural District, subject to certain conditions proffered by the petitioner.

- Request of Rockydale Quarries Corporation that the following streets be permanently vacated, discontinued and closed: (1) Draper Road from its intersection with U. S. 220 North (Franklin Road) to its terminus at Old Rocky Mount Road; (2) Old Rocky Mount Road from its terminus on the westerly side of Official Tax No. 5370109, north approximately 1032.66 feet to Official Tax No. 5370106; and (3) Welcome Valley Road, from its intersection with Old Rocky Mount Road east for an approximate distance of 130 feet along Official Tax No. 5390110.

Legal advertisements of the above referenced public hearings were published in *The Roanoke Times* on Friday, February 4, 2005 and Friday, February 11, 2005.

The City Planning Commission submitted a written report advising that the petitioner proposes the following changes to the *Southern Hills Neighborhood Plan*:

In the Community Design section, under Land Use Patterns (p.3), strike the reference to the Rockydale property west of Old Mountain Road.

On the Future Land Use Map (p.4), change the designation of Tax Map No. 5380106 from a Mixed Density Residential use to an Industrial use.

On the Future Land Use Map (p.4), change the designation of Tax Map Nos. 5380107, 5380108, 5380110, 5380123, 5390105, 5390106, 5390108, 5390109, 5390110, and 5390117 from Single Family Residential uses to Industrial uses.

On the Future Land Use Map (p.4), designate the property recently brought into the City of Roanoke's jurisdictional boundaries, known as Tax Map No. 5380125, as an Industrial use.

In the Residential Development section under Trends and Opportunities (p.6), strike the subsection reading: "Rockydale has a 30+ acre property to the west of Old Mountain Road. A portion of the property is very steep, but a large portion may be appropriate for residential development."

On the Residential Development Opportunities map (p.7), remove the Mixed Density Residential designation on Tax Map No. 5380106 and the New Single-Family designation on Tax Map Nos. 5380107, 5380108, 5380110, 5380123, 5390106, and 5390108.

On the Economic Development Opportunities Map (p.9), designate Tax Map Nos. 5380106, 5380107, 5380108, 5380110, 5380123, 5390105, 5390106, 5390108, and 5390109 as Industrial.

It was further advised that Planning staff believes that the request to revise the recommended land use to industrial is reasonable, given the fact that the companion rezoning petition limits the potential uses and many aspects of the quarry operation on the parcels; proposed changes support an expansion of the existing use and do not attempt to increase production on the overall site, but extends the life of the quarry; and, in addition, there are no other industrially designated properties within the neighborhood, and possibly throughout the City, that would be a feasible and appropriate site for a unique use such as a quarry.

It was noted that Section 15.2-2224, Code of Virginia (1950), as amended, requires localities to consider mineral resources in the comprehensive planning process that are identified and surveyed by the Virginia Department of Mines, Minerals and Energy (DMME); and the existing quarry and proposed expansion area contain mineral resources identified by DMME.

The City Planning Commission recommended Council approve amendment of the *Southern Hills Neighborhood Plan* as a component of *Vision 2001-2020*, the City's Comprehensive Plan.

With regard to the above referenced rezoning of properties located on Franklin Road, Old Rocky Mount Road, Welcome Valley Road and Van Winkle Road, S. W., the City Planning Commission submitted a written report advising that the proposed rezoning of the subject parcels is consistent with the following actions of Vision 2001-2020, the City's Comprehensive Plan:

Roanoke will protect the steep slopes, ridge tops and view sheds within the City as important environmental and scenic resources and will cooperate regionally to protect such resources located outside of the City.

Protect Blue Ridge Parkway corridors adjacent to the City limits through coordination with adjacent localities and careful planning.

It was noted that Planning staff believes that potential visual and acoustical impact of the quarry expansion has been adequately studied and addressed by the petitioner.

The City Planning Commission recommended approval of the request for rezoning; and advised that with its associated proffers, the petition is a reasonable request to rezone the subject parcels of land for a long term expansion of the quarry facility and the protection of views and land uses immediately adjacent to the Mill Mountain Spur of the Blue Ridge Parkway.

With regard to vacating, discontinuing and closing Draper Road from its intersection with U. S. 220 North to its terminus at Old Rocky Mount Road and Old Rocky Mount Road from its terminus on the westerly side of Official Tax No. 5370109 north to a distance of 1032.66 feet to Official Tax No. 5370106, and Welcome Valley Road from its intersection with Old Rocky Mount Road east for approximately 130 feet along Official Tax No. 5390110 as above described, the City Planning Commission advised that the petitioner is requesting the street vacations to allow for expansion of its facilities; the petition is concurrent with a rezoning petition and an amendment to the Southern Hills Neighborhood Plan; and the petitioner has proposed the following uses of the vacated rights-of-way:

Draper Road: Draper Road will become a private means of ingress/egress for the petitioner.

Old Rocky Mount Road: The vacated portion of Old Rocky Mount Road will be used as part of the petitioner's expansion.

Welcome Valley Road: The petitioner agrees to realign Welcome Valley Road and dedicate it to the City, after which the subject portion of right-of-way will be vacated.

The City Planning Commission recommended approval of the request to vacate, discontinue and close the subject portions of rights-of-way, subject to certain conditions as more fully set forth in the report, and further recommended that the petitioner not be charged for the vacated rights-of-way due to improvements that the petitioner will be required to make and then dedicate to the City and the Virginia Department of Transportation.

Vice-Mayor Fitzpatrick offered the following ordinance:

(#36979-022205) AN ORDINANCE approving the amendment of the Southern Hills Neighborhood Plan, and amending Vision 2001- 2020, the City's Comprehensive Plan, to reflect the amendment of the Southern Hills Neighborhood Plan; and dispensing with the second reading of this ordinance by title.

(For full text of ordinance, see Ordinance Book No. 69, Page 288.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 36979-022205. The motion was seconded by Council Member Dowe.

Maryellen F. Goodlatte, Attorney, appeared before Council in support of the requests of the client.

The Mayor inquired if there were persons present who would like to speak in connection with amendment of the Southern Hills Neighborhood Plan, the request for rezoning, and the request for closure of streets; whereupon, the following persons addressed Council.

The Reverend David Derrow, 4117 Welcome Valley Road, N. E., Senior Pastor, New Hope Christian Church, advised that the Church held meetings with representatives of Rockydale Quarries Corporation to address concerns with regard to traffic issues from Mount Pleasant to Route 220 (Franklin Road). He stated that the petitioner was responsive to their concerns, therefore, the Church does not oppose the rezoning.

Charles Reed, 4150 Welcome Valley Road, N. E., advised that since the rezoning will benefit the entire neighborhood, he supports the petitioner's request for rezoning and expansion.

Michael A. Loveman, representing Lanford Brothers Company, spoke in support of the petitioner's proposal. He advised that Lanford Brothers is proud of the work of the highway industry to better the community and Rockydale Quarries has served as an ally for highway construction; Lanford Brothers Company is proud of the highway industry's Partners in Education Program, the objectives of which are to make students aware of the importance of maximizing the opportunity to obtain an education in Roanoke Valley high schools, to make students aware of career opportunities that exist in the highway industry, and to make students aware of the importance of businesses being good corporate citizens. He commended Rockydale Quarries Corporation for being leader in all three of the objectives; and through the Partners in Education Program, Lanford Brothers Company has constructed three sections of the Murray Run Greenway. He pointed out that Rockydale Quarries Corporation donated thousands of dollars worth of stone to various projects, and shared driving safety tips in work zones and career opportunities in the highway industry with high school students from the Roanoke Valley.

Lucy Lowe, 5043 Franklin Road, S. W., advised that she has lived near the Rockydale Quarries site for over 50 years. She encouraged Council to approve the proposal.

Carl Cooper, 3160 Round Hill Avenue, N. W., Chair, Roanoke Neighborhood Advocates, (RNA), advised that the RNA has not taken a position on the merits of the petitions submitted by Rockydale Quarries Corporation; however, the organization objects to the process due to the lack of communication with the neighborhood relating to proposed changes to the Southern Hills Neighborhood Plan. He stated that any changes should be a collaborative effort between the City and residents of the area.

(See communication on file in the City Clerk's Office.)

Edward Kennedy, 4097 Welcome Valley Road, N. E., spoke in support of the petition for rezoning and urged Council to approve the recommendation of the City Planning Commission. He stated that the proposed rezoning would protect the character of the neighborhood and the view from the Blue Ridge Parkway.

Sandra Carroll, Executive Director, Greenvale Nursery School, spoke in support of the request for rezoning. She advised that the primary and targeted population at Greenvale Nursery School consists of at-risk, disadvantaged children and their families, and without the support of civic-minded businesses like Rockydale Quarries Corporation, vital community programs would no longer be available; therefore, it is important that local civic and community-minded leaders be encouraged to continue to operate in the Roanoke Valley. She stated that the proposal of Rockydale Quarries is a balanced plan that will allow the company to double its remaining life in the Roanoke Valley; and it was a refreshing experience to see business and residents working together in partnership for the common good.

Gary Wright, President, Adams Construction Company, advised that during the past three years, Adams Construction Company produced an average of 81,000 tons of hot mixed asphalt, and approximately 30,000 tons went to the City of Roanoke for maintenance overlay, with the remaining tons going to various commercial projects in Roanoke City and Roanoke County. He stated that Rockydale Quarries has operated for approximately 77 years and Adams Construction Company, has operated for about 60 years; and Rockydale Quarries provides a competitive source of aggregate necessary for economical growth and development for the community and approval of the rezoning will ensure a tax base to Roanoke City and a source of materials to Adams Construction Company for an additional 20 years. He pointed out that the petition for rezoning does not increase the intensity of the Rockydale Quarries operation.

Willia M. Daley, Senior Vice-President, J. W. Burress Inc., spoke in support of the expansion of Rockydale Quarries. He advised that J. W. Burress Inc., has operated since 1934 and Rockydale Quarries shares a similar history; and the Roanoke Valley has benefited from grass root job opportunities provided by both companies. He stated that Rockydale Quarries Corporation provides economic opportunities to the Roanoke Valley, not only as a good corporate citizen, but as a provider and buyer of services; and its business relationship as a member of the City relies on strong community roots. He indicated that expansion of Rockydale Quarries will benefit the community by providing additional jobs, other opportunities, and continued prosperity for citizens.

Roger B. Holnback, Executive Director, Western Virginia Land Trust, spoke in support of the petitions of Rockydale Quarries Corporation. He advised that the Land Trust provides voluntary conservation outreach and education to support the quality of life for all citizens in the Roanoke Valley; Rockydale Quarries owns a very critical piece of viewshed property associated with the Blue Ridge Parkway and the Fishburn Bypass going up to Mill Mountain; and a condition proffered by the petitioner includes a scenic easement on the 10 ½ - 11 acres of land facing the Fishburn Parkway.

Jack Jordan, 4237 Griffin Road, S. W., an employee of Rockydale Quarries Corporation, spoke in support of the petition for rezoning.

Sandra D. Slone, 4219 Yellow Mountain Road, spoke in support of the petition for rezoning and commended Rockydale Quarries on the proposal to install a traffic light at the intersection of Draper Road and U. S. Route 220 (Franklin Road).

Daphne Depuy, 2719 Rosalind Avenue, S. W., spoke in support of the proposed rezoning and proffered conditions to protect the scenic watershed submitted by Rockydale Quarries. She commended the petitioner for preserving the view and advised that the proposed traffic improvements will have a positive impact on the Southern Hills neighborhood.

James M. Turner, Jr., President, advised that J. M. Turner Construction Company has done business with Rockydale Quarries Corporation for over 50 years; they are a model corporate citizen, and the proposal will be a win-win for everybody.

James Dearing, 1502 Westover Avenue, S. W., spoke in support of the request for rezoning.

Margaret Lester, 4013 Welcome Valley Road, N. E., spoke in support of the proffer to install a traffic signal at the intersection of Draper Road and U. S. Route 220 (Franklin Road); and asked that Council support the petition for rezoning.

Ann B. Paris, 3789 Sandlewood Road, Roanoke County, spoke in support of closing the street for expansion of the Rockydale Quarries Corporation. She expressed appreciation for the conservation easement on the watershed property on the Blue Ridge Parkway and the Fishburn Bypass.

Gary Johnson, Superintendent, Blue Ridge Parkway, Asheville, North Carolina, spoke in support of the expansion project and expressed appreciation for the opportunity to be a part of the planning process from the beginning.

Council Member Dowe requested a clarification of Mr. Cooper's concerns with regard to the process of amending neighborhood plans; whereupon, Mr. Cooper advised that there is no formal process that neighborhoods are aware of. He pointed out that a Neighborhood Plan is an agreement between the neighborhoods and the City of Roanoke, and if a Neighborhood Plan is revised, the neighborhoods should be included in the process.

Council Member Lea inquired if the neighborhood received notification and engaged in dialogue with representatives of Rockydale Quarries Corporation; whereupon, Ms. Goodlatte advised that several meetings were held with neighborhood groups in the City of Roanoke and Roanoke County prior to the City Planning Commission's public hearing on January 20, 2005. She further advised that Mr. Cooper shared his concerns during the Planning Commission's public hearing, and the Planning Commission determined that Rockydale Quarries and

staff had followed the proper procedure. Due to concerns expressed by Mr. Cooper at the Planning Commission's meeting, she stated that City staff and representatives of Rockydale Quarries held several meetings with the Southern Hills Neighborhood Association to address other issues and/or concerns, and at the conclusion of the meetings, no objections were raised regarding amendment to the Southern Hills Neighborhood Plan.

There being no further speakers or discussion by Council Members, the Mayor declared the public hearing closed on the Southern Hills Neighborhood Plan.

Ordinance No. 36979-022205 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

Vice-Mayor Fitzpatrick offered the following ordinance:

(#36980-022205) AN ORDINANCE to amend Section 36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet Nos. 538, 539 and 453, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 289.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 36980-022205. The motion was seconded by Council Member McDaniel.

The Mayor inquired if there were other persons who wished to be heard in connection with the request for rezoning. There being none, he declared the public hearing closed.

There being no further comments by Council Members, Ordinance No. 36980-022205 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

Council Member McDaniel offered the following ordinance:

(#36981-022205) AN ORDINANCE permanently vacating, discontinuing and closing certain public rights-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, See Ordinance Book 69, Page 291.)

Council Member McDaniel moved the adoption of Ordinance No. 36981-022205. The motion was seconded by Council Member Dowe.

The Mayor inquired if there were other persons who wished to be heard in connection with the request to vacate, discontinue and close the above referenced streets. There being none, he declared the public hearing closed.

There being no further comments by Council Members, Ordinance No. 36981-022205 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

ENTERPRISE ZONE: Pursuant to action taken by the Council, the City Clerk having advertised a public hearing for Tuesday, February 22, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the proposal of the City of Roanoke to amend the boundaries of Enterprise Zone One A, Enterprise Zone One A local incentives, and Enterprise Zone Two and its Subzone local incentives, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Monday February 7, 2005 and Monday, February 14, 2005, and in *The Roanoke Tribune* Thursday, February 10, 2005.

The City Manager submitted a communication advising that since the approval of Enterprise Zone One A, retroactive to January 1, 2004, certain events have necessitated an amendment to the zone boundary and certain local zone incentives; Zone One A boundary amendment includes addition of the East End Shops, Parkside Plaza in Southeast Roanoke and approximately 100 acres along the east side of Williamson Road south of Elm Avenue; and adding the properties, some of which are in the flood plain, could stimulate additional opportunities for revitalization where buildings are currently vacant or underutilized.

It was further advised that the City of Roanoke also proposes to amend local incentives for both Enterprise Zone One A and Enterprise Zone Two and its Subzone to cap local incentives providing grants through the Industrial Development Authority of the City of Roanoke, Virginia (IDA) for water, sewer and

fire hookup fees; such amendments are needed due to the assumption of all assets associated with water and sewer by the Western Virginia Water Authority (WVWA) on July 1, 2004; and the limit for the maximum amount of such hookup fees is equal to the amounts adopted by the WVWA.

It was stated that as part of the amendment to Enterprise Zone Two and its Subzone, such local incentives will be by grants through the IDA as opposed to the former rebates since the City no longer receives such fees; Ordinance Nos. 35820-041502 and 36782-071904 need to be amended to reflect such changes; Ordinance No. 35820-041502 needs to be amended to extend the period of availability of all local incentives, as amended, for Enterprise Zone Two and its Subzone from June 30, 2007, through December 31, 2015; in accordance with the Department of Housing and Community Development's Virginia Enterprise Zone Program regulations, the local governing body must hold at least one public hearing affording citizens or interested parties an opportunity to be heard on such matters before submitting an amendment application to the department for consideration; and amendments are subject to approval by the Virginia Department of Housing and Community Development (VDHCD).

Lacking comments at the public hearing that would require further consideration, the City Manager recommended that Council adopt the appropriate measures, including amendment of the above referenced ordinances, to extend the boundary of Enterprise Zone One A and to amend certain local incentives for Enterprise Zone One A and Zone Two and its Subzone, subject to approval by the VDHCD, effective April 1, 2005, for the amended local incentives; and that Council authorize the City Manager to apply to the VDHCD for approval of the above referenced amendments and to take such further action and/or to execute such additional documents as may be needed to obtain or confirm such amendments and to establish appropriate rules and regulations as may be needed to implement and administer such local incentives once approved.

Vice-Mayor Fitzpatrick offered the following resolution:

(#36982-022205) A RESOLUTION authorizing the proper City officials to make a boundary amendment to Roanoke's Enterprise Zone One A that will add certain areas not currently in Enterprise Zone One A; and authorizing the City Manager to apply to the Virginia Department of Housing and Community Development for approval of such boundary amendment and to take such further action as may be necessary to obtain and implement such boundary amendment.

(For full text of resolution, see Resolution Book No. 69, Page 294.)

Vice-Mayor Fitzpatrick moved the adoption of Resolution No. 36982-022205. The motion was seconded by Council Member Dowe.

The Mayor inquired if there were persons present who would like to speak in connection with the public hearing. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Resolution No. 36982-022205 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Cutler was not present when the vote was recorded.)

Vice-Mayor Fitzpatrick offered the following ordinance:

(#36983-022205) AN ORDINANCE amending Ordinance No. 36782-071904, adopted by City Council on July 19, 2004, by modifying certain local incentives contained therein for Enterprise Zone One A; authorizing the City Manager to apply to the Virginia Department of Housing and Community Development (VDHCD) for the approval of the above amendment and/or to take such further action as may be necessary to obtain or confirm such amendment; establishing an effective date; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 296.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 36983-022205. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

Vice-Mayor Fitzpatrick offered the following ordinance:

(#36984-022205) AN ORDINANCE amending Ordinance No. 35820-041502, adopted by City Council on April 15, 2002, by modifying certain local incentives contained therein; by extending the availability of such local incentives for Enterprise Zone Two and its Subzone through December 31, 2015; authorizing the City Manager to apply to the Virginia Department of Housing and Community Development (VDHCD) for the approval of the above amendments and/or to take such further action as may be necessary to obtain or confirm those amendments; establishing an effective date; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 299.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 36984-022205. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

EASEMENTS-ROANOKE CIVIC CENTER-AMERICAN ELECTRIC POWER: Pursuant to action taken by the Council, the City Clerk having advertised a public hearing for Tuesday, February 22, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a proposal of the City of Roanoke to convey an easement across City-owned property to Appalachian Power Company at the Roanoke Civic Center facilities, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, February 11, 2005.

The City Manager submitted a communication advising that Appalachian Power Company has requested a variable width utility easement across City-owned property identified as Official Tax Nos. 3024004 and 3014003 to extend an existing power line on the site to provide electric service to the facility; and the extension will utilize both overhead and underground lines, the location of which shall be approved by the City.

The City Manager recommended that she be authorized to execute the appropriate documents granting an easement as above described to Appalachian Power Company, subject to approval as to form by the City Attorney.

Vice-Mayor Fitzpatrick offered the following ordinance:

(#36985-022205) AN ORDINANCE authorizing the conveyance of a variable width easement on City-owned property known as the Roanoke Civic Center, identified by Official Tax Nos. 3024004 and 3014003, to Appalachian Power Company, to extend an existing power line at the Roanoke Civic Center to provide electric service to that facility, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 304.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 36985-022205. The motion was seconded by Council Member Dowe.

The Mayor inquired if there were persons present who would like to speak in connection with the public hearing. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 36985-022205 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff
and Mayor Harris-----7.

NAYS: None-----0.

OTHER BUSINESS:

ARCHITECTURAL REVIEW BOARD: A petition filed by Jessie and Margaret Taylor appealing a decision of the Architectural Review Board, which was rendered on December 9, 2004, that no Certificate of Appropriateness be issued with regard to property located at 34 Gilmer Avenue, N. E., for a metal carport, was before Council.

Mrs. Taylor advised that the request to install a carport at 34 Gilmer Avenue, N. E., was denied by the Architectural Review Board; and although her residence is located in a historic neighborhood, she did not understand the rationale of the Board in denying the request to install a carport to protect a new vehicle from the outside elements.

Robert N. Richert, Chair, Architectural Review Board, advised that:

- In July 2004, Mr. Taylor requested a Certificate of Appropriateness for a metal carport at his residence at 34 Gilmer Avenue, N. E., which is within the H-2, Neighborhood Preservation District.
- The Agent to the Architectural Review Board (ARB) met with Mr. Taylor to discuss the project and to arrange for the required design review.
- The two-story, Folk Victorian frame house was built in 1910 and remains in good condition.
- Staff advised Mr. Taylor that the metal carport would not be in keeping with the historic district guidelines and suggested a design that would be more compatible with the design of the house. Mr. Taylor investigated the possibility, but maintained his original request.
- Mr. Taylor filed an application for a Certificate of Appropriateness which was considered by the ARB on August 12, 2004, at which time he stated that he wanted to erect a temporary carport until he had funds to build a garage.
- ARB members expressed concern about the design of the carport and suggested that Mr. Taylor consider a permanent garage or a carport attached to the house; and Mr. Taylor stated that he intended to build a garage later when finances

allowed; he needed the carport to protect his wife's new vehicle. The Board believed that the proposed design would not be compatible with the character of the historic district and requested that he work with staff for a better design. At the request of the applicant, the application was tabled until the September Board meeting.

- Mr. Taylor requested that the application be tabled again until the October Board meeting; and at the October Board meeting, Mr. Taylor failed to appear. The Board decided to table the application until the November Board meeting; however, just prior to the November meeting, Mr. Taylor again requested that the matter be tabled until the December Board meeting for personal reasons. Mr. Taylor appeared before the Board at the December 9, 2004 meeting with the same request. The staff report recommended denial because the application was not consistent with the H-2 guidelines or the intent of the historic district. The Board expressed concern again that the metal carport was not in keeping with the historic district guidelines or the character of the neighborhood because of its shape, material and design.

Mr. Richert further advised that:

- The H-2 Architectural Design Guidelines adopted by the ARB and endorsed by Council state that the design and placement of accessory structures can have an important influence on a building's overall appearance.
- The guidelines further recommend that the following be considered for accessory structures:
 - Adopt a compatible style or use design motifs of the original building.
 - Locate as inconspicuously as possible on the side or rear of building.
 - Choose materials that are compatible with the existing structure and are appropriate to the residential character of the historic district.
 - Use roofing forms and material that are compatible with those of the main building.
- Staff did not identify any other similar appeals to City Council, or any recent applications for carports, or any other accessory structures that are analogous to these circumstances.

On behalf of the Architectural Review Board, Mr. Richert recommended that Council affirm the decision to deny issuance of a Certificate of Appropriateness.

Council Member Wishneff inquired if anyone from the Gainsboro neighborhood had objected or expressed an opinion with regard to the request; whereupon, the Director of Planning, Building and Development responded that no testimony or comments other than the applicants, was received at the meeting of the Architectural Review Board on December 6, 2004.

Council Member Wishneff questioned the appearance of the carport; whereupon, Mr. Townsend advised that the Building Code requires that a structure be permanently attached to the ground.

Council Member Dowe inquired as to how long the proposed carport will be in place; whereupon, Mr. Taylor indicated that due to financial reasons, he could not provide a definitive answer.

Council Member Lea inquired if Mr. and Mrs. Taylor were aware of the requirements of living in a historic district; whereupon, Mr. Taylor advised that although he has resided at the location for 18 years, he was not aware of the historic district requirements.

Council Member Lea inquired if there are any available grant programs for historic neighborhoods; whereupon, Mr. Townsend advised that he was not familiar with any State or Federal grants; and upon adoption of the historic neighborhood designation on the State and Federal registers, some opportunities may be available to property owners in the Gainsboro neighborhood through historic tax credits for rehabilitation of properties that are owner occupied.

Based upon the evidence presented to the Council, Council Member Cutler moved that the decision of the City of Roanoke Architectural Review Board on December 9, 2004, as set forth in a letter dated December 14, 2004, be affirmed, and that no Certificate of Appropriateness be issued to allow a metal carport at 34 Gilmer Avenue, N. E., to be constructed as requested in the petition for appeal on the grounds that the proposed shape, material and design of the carport would not be in keeping with the historic guidelines or character of the neighborhood. The motion was seconded by Council Member McDaniel.

Council Member Wishneff advised that since the standard procedure followed by the Architectural Review Board is subjective, and since no neighbors appeared before the Board or the Council to oppose the request, he would vote against the motion to deny a Certificate of Appropriateness to be issued to Mr. and Mrs. Taylor to allow construction of a metal carport at 34 Gilmer Avenue, N. E.

There being no further discussion or comments by Council Members, the motion offered by Council Member Cutler, seconded by Council Member McDaniel was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, McDaniel, Cutler and Mayor Harris-----5.

NAYS: Council Members Lea and Wishneff-----2.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

COMPLAINTS-POLICE DEPARTMENT-CITY CODE-TOWING CONTRACT: Mr. Thomas Ruff, 731 Wildhurst Avenue, N. E., expressed concern with regard a tow truck that is parked in the neighborhood and noise at all hours of the day and night which has disrupted the quality of life in the neighborhood. He requested that the City Code be amended to prohibit the parking of tow trucks in residential neighborhoods.

Vice-Mayor Fitzpatrick requested that the City Manager determine if other complaints have been filed with regard to the parking of tow trucks in residential neighborhoods.

Mayor Harris suggested that Mr. Ruff provide information to the City Manager with regard to the number of times that the tow truck exits and enters the neighborhood and that City staff meet with the owner of the vehicle to discuss the matter.

CITY MARKET-TAXES-REAL ESTATE VALUATION-OUTDOOR DINING: Mr. Robert Craig, 701 12th Street, S. W., commented about the previous discussion regarding the decision of the Architectural Review Board to deny a Certificate of Appropriateness for installation of a carport in a historic neighborhood, yet a double wide tin building valued at \$225,000.00, was constructed in another historic neighborhood.

He extended an apology to Vice-Mayor Fitzpatrick for his remarks which were published in *The Roanoke Times* regarding the return of trolley cars to Roanoke City, and acknowledged with appreciation the polite response by Vice-Mayor Fitzpatrick.

Mr. Craig stated that businesses in the City Market Building Food Court were not aware of the recent decision by Council to not allow franchise vendors to operate in the City Market Building.

Mr. Craig questioned real estate assessments for residential property in the City of Roanoke, and noted that no action was taken by the Council with regard to his previous suggestion that the City engage an outside assessor to assess all City property at 100% of the current market value. He called attention to language on the Real Estate Assessor's website indicating that all residential property is assessed at 100 per cent, which he believes to be false information.

Mr. Craig inquired if there is a conflict of interest with the Director of Real Estate Valuation reporting to the Director of Finance, since one position involves the raising of revenue and the other position deals with the expenditure of the City's revenue. He stated that the City's budget planners previously advised of a revenue shortfall in the near future; and tax revenue for the City is declining in every category except real property, yet real estate assessments continue to increase.

There being no further business, the Mayor declared the meeting adjourned at 9:50 p.m.

A P P R O V E D

ATTEST:

Mary F. Parker
City Clerk

C. Nelson Harris
Mayor
